



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of David Hone

Serial No. 10/632,095

Group Art Unit 1632

Filed 08/01/2003

Examiner: Licto

For: **"DNA VACCINES THAT EXPRESS MUTANT ADP-RIBOSYLTRANSFERASE TOXINS WHICH DISPLAY REDUCED, OR ARE DEVOID OR, ADP-RIBOSYLTRANSFERASE ACTIVITY"**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

1. I am the inventor of the above-identified application, and I am qualified to design and conduct experiments related to DNA vaccines, particularly as they relate to the claimed invention. As evidence of my qualifications, attached hereto is a copy of my resume.

2. I am an employee of Aeras, the assignee of record for the above-identified application.

3. I have reviewed the subject patent application, including the claims, and the Examiner's remarks as contained in the Office Action mailed on November 3, 2004.

4. Attached here as Exhibit A is a description (4 pages of text and 1 figure) of experiments to test the ability of a composition of genes encoding an L41F mutant cholera toxin and an antigen to elicit an immune response in a mammal, as is contemplated by the claimed invention. The experiments were carried out under my direct supervision. The results showed that compositions containing DNA encoding cholera toxin L41F mutant CtxA1<sub>541Y</sub> display

A handwritten signature and the date "2-2-5" are located at the bottom right of the page.

Confidential - R08 4/4/05